IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Bail Appl..No. 500 of 2007()

(CRIME NO.41/2005 OF THE PATHANAPURAM RANGE, PUNALUR).

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PETITIONER/3RD ACCUSED:

K.J. BIJU, S/O.JANARDHANAN,
AGED 34, RESIDING AT KALLUVILA VEEDU,
PLACHERI P.O., PUNALUR.

BY ADV. SRI.N.RATHEESH

RESPONDENTS: COMPLAINANT:

1. **THE CIRCLE INSPECTOR OF EXCISE,**
   PATHANAPURAM RANGE, PUNALUR.

2. **THE STATE OF KERALA, REP. BY THE**
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 500 OF 2007 B

Dated this the 7th day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the 3rd accused in C.R. No.41/2005 of Pathanapuram Excise Range for offences punishable under Secs. 8(1), 8(2) and 67B of the Abkari Act for allegedly procuring 315 liters of spirit on 26.4.2005, seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Consequent on the non-appearance of the petitioner before the JFCM-III, Punalur in C.P.No.65/2006, non-bailable warrants of arrest are pending against him. Anticipatory bail cannot be granted in a case of this nature to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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